

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Boards of Trustees of the
Ohio Laborers' Fringe
Benefit Programs,

Plaintiffs,

v.

Case No. 2:19-cv-602

T&A Construction, Inc.,

Defendant.

ORDER OF DEFAULT JUDGMENT

This is an action for unpaid fringe benefit contributions and other damages under the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §1132. After defendant was served and failed to plead or otherwise defend this action, plaintiffs applied to the clerk for an entry of default, which was entered on March 27, 2019. See Doc. 6. On July 3, 2019, plaintiffs filed a motion for default judgment. See Doc. 21. This matter is now before the court on the July 5, 2019, report and recommendation of the magistrate judge recommending that the motion for default judgment be granted.

The report and recommendation specifically advised the parties that any objections to the report and recommendation were due within fourteen days, and that the failure to object to the report and recommendation would result in a waiver of the right to have the district judge review the report and recommendation de novo as well as a waiver of the right to appeal the decision of the district judge adopting the report and recommendation. Doc. 22, pp. 1-2. The docket indicates that copies of the motion for default judgment and the report and recommendation were sent by

certified mail to defendant's statutory agent, and a signed receipt was entered on the docket. See Doc. 24. No parties have filed objections to the report and recommendation.

The court agrees with and hereby adopts the report and recommendation (Doc. 22). The motion for default judgment (Doc. 21) is granted. Plaintiffs, the Boards of Trustees of the Ohio Laborers' Fringe Benefit Programs, shall have and recover from the defendant, T&A Construction, Inc., the sum of \$56,067.22 in unpaid fringe benefit contributions, liquidated damages and interest for the period April 1, 2017-April 30, 2019; the sum of \$7,646.00 in attorneys' fees plus interest from the time of judgment at the rate of 1% per month; and the costs of this action. The clerk is directed to enter judgment in favor of plaintiffs and against defendant in accordance with this order.

Date: July 23, 2019

s/James L. Graham
James L. Graham
United States District Judge